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EXAMINER

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2145

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/996,130
Filing Date: November 28, 2001
Appellant(s): KUMHYR ET AL.

Frank C. Nicholas
For Appellant

SUPPLEMENTAL EXAMINER'S ANSWER

This is in response to the appeal brief filed September 9, 2005 appealing from the Office action mailed May 4, 2005 and action taken by the Board of Patent Appeals and Interferences on May 2, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

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The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|-----------|--------|--------|
| 6,789,170 | Herz | 2/2000 |
| 6,789,170 | Jacobs | 9-2004 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Herz (U.S. Patent No. 6,029,195) in view of Jacobs et al. (U.S. Patent No. 6,789,170, hereafter referred to as Jacobs).

Regarding claim 1, Herz discloses *providing at least one user group* [Herz discloses using a "user profile" which holds attributes for the user to be used in finding relevant information. See Herz, column 4, lines 53-55.], *determining tag information for the data objects* [Herz discloses that each object available for access by the user has a profile containing the object's attributes. See Herz, column 4, lines 49-53.], *determining at least one group interest for the user group* [Herz discloses that the system can compare attributes between one user and a "similar

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user". Examiner considers comparing attributes between users to see what similar users might be interested in as equivalent to *determining at least one group interest for the user group*. See Herz, column 6, lines 34-43.], and *determining whether the tag information corresponds to the group interest* [The object attributes are compared to the user attributes, and ranked to show how much the user might be interested in them. See Herz, column 5, lines 6-20.]. Herz fails to disclose *placing data objects including tag information of said group interest into a server cache*.

However, Jacobs discloses *placing data objects including tag information into a server cache* [Jacobs discloses caching data with specialized tags. Jacobs' system is utilized for inserting custom data by using the tags upon a user retrieving said data from the cache, but the insertion of custom data is upon retrieval and would not affect the caching of data with tags intact. See Jacobs, column 2, lines 54-62.].

It would have been obvious to one of ordinary skill in the art to combine the teachings of Herz and Jacobs for the purpose of caching customized data for multiple users for faster access. [See Jacobs, column 1, line 63 – column 2, line 2. See Jacobs, column 2, lines 13-24.] Herz gives motivation for the combination by stating users should be able to access relevant information without expending an excessive amount of time and energy. [See Herz, column 4, lines 28-32.] By this rationale claim 1 is rejected.

Regarding claim 2, Herz in view of Jacobs is applied as in claim 1. Herz further discloses that *the data object includes a Web page*. [Herz discloses that target objects may be of various sorts, including World Wide Web sites. See Herz, column 7, lines 19-35.] Jacobs also discloses that cached data can comprise web pages. [See Jacobs, column 3, lines 54-59.] By this rationale claim 2 is rejected.

Regarding claim 3, Herz in view of Jacobs is applied as in claim 2. Jacobs further discloses that *the Web page comprises information provided as hypertext mark-up language (HTML) or extensible mark-up language (XML), including tag information provided as hypertext transfer protocol (HTTP)*. [See Jacobs, column 4, lines 6-10. See Jacobs, column 3, lines 54-59.] By this rationale claim 3 is rejected.

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Regarding claim 4, Herz in view of Jacobs is applied as in claim 1. Herz further discloses *reading data object tag information*. [Herz discloses using profile information that describes the target objects' characteristics. In order to user the profile information, the system must read the profile information. See Herz, column 6, lines 16-22.] By this rationale claim 4 is rejected.

Regarding claim 5, Herz in view of Jacobs is applied as in claim 1. Herz further discloses *generating data object tag information* [Herz discloses automatically calculating and updating profile information for target objects' characteristics. Calculating profile information based upon the target objects' characteristics and placing it in or updating a profile are equivalent to *generating data object tag information*. See Herz, column 6, lines 16-22.]. By this rationale claim 5 is rejected.

Regarding claim 6, Herz in view of Jacobs is applied as in claim 1. Herz further discloses *managing predictive data*. [Herz discloses matching users and target objects by automatically calculating, using and updating profile information that describes both the users' interests and the target objects' characteristics. See Herz, column 6, lines 16-22.] By this rationale claim 6 is rejected.

Regarding claim 7, Herz in view of Jacobs is applied as in claim 6. Herz further discloses *considering static predictions*. [Herz discloses using attributes from a target object's profile and matching them to attributes from a user's profile. See Herz, column 6, lines 38-54.] By this rationale claim 7 is rejected.

Regarding claim 8, Herz in view of Jacobs is applied as in claim 6. Herz further discloses *considering access patterns*. [Herz discloses using how often something is accessed in determining the target object's attributes. See Herz, column 6, lines 43-45, lines 54-58.] By this rationale claim 8 is rejected.

Regarding claim 9, Herz in view of Jacobs is applied as in claim 1. Herz further discloses *determining whether the tag information corresponds to the group interest comprises determining interest match information*. [Herz discloses matching users and target objects by their profile

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information to match users' interests and target objects' characteristics. See Herz, column 6, lines 16-22.] By this rationale claim 9 is rejected.

Regarding claim 10, Herz in view of Jacobs is applied as in claim 1. Herz further discloses *determining whether the tag information corresponds to the group interest comprises determining a pertinence score*. [Herz discloses ranking the listing of target objects most likely to be of interest to a user. A ranking is equivalent to a pertinence score.] By this rationale claim 10 is rejected.

Regarding claim 11, the limitations of this claim are substantially the same as the limitations of claim 1. Therefore the rationale used to reject claim 1 is equally applicable to claim 11. By this rationale claim 11 is rejected.

Regarding claim 12, the limitations of this claim are substantially the same as the limitations of claim 2. Therefore the rationale used to reject claim 2 is equally applicable to claim 12. By this rationale claim 12 is rejected.

Regarding claim 13, the limitations of this claim are substantially the same as the limitations of claim 3. Therefore the rationale used to reject claim 3 is equally applicable to claim 13. By this rationale claim 13 is rejected.

Regarding claim 14, the limitations of this claim are substantially the same as the limitations of claim 4. Therefore the rationale used to reject claim 4 is equally applicable to claim 14. By this rationale claim 14 is rejected.

Regarding claim 15, the limitations of this claim are substantially the same as the limitations of claim 5. Therefore the rationale used to reject claim 5 is equally applicable to claim 15. By this rationale claim 15 is rejected.

Regarding claim 16, the limitations of this claim are substantially the same as the limitations of claim 6. Therefore the rationale used to reject claim 6 is equally applicable to claim 16. By this rationale claim 16 is rejected.

Regarding claim 17, the limitations of this claim are substantially the same as the limitations of claim 7. Therefore the rationale used to reject claim 7 is equally applicable to claim 17. By this rationale claim 17 is rejected.

Regarding claim 18, the limitations of this claim are substantially the same as the limitations of claim 9. Therefore the rationale used to reject claim 8 is equally applicable to claim 18. By this rationale claim 18 is rejected.

Regarding claim 19, the limitations of this claim are substantially the same as the limitations of claim 9. Therefore the rationale used to reject claim 9 is equally applicable to claim 19. By this rationale claim 19 is rejected.

Regarding claim 20, the limitations of this claim are substantially the same as the limitations of claim 10. Therefore the rationale used to reject claim 10 is equally applicable to claim 20. By this rationale claim 20 is rejected.

Regarding claim 21, the limitations of this claim are substantially the same as the limitations of claim 1. Therefore the rationale used to reject claim 1 is equally applicable to claim 21. By this rationale claim 21 is rejected.

(10) Response to Argument

Applicant has chosen to argue that the Herz and Jacobs references cannot be combined. Jacobs and Herz have provided motivation for the combination of the references. Both Herz and Jacobs are shown to be references that teach aiding a user in accessing data in a rapid manner. Herz does this by utilizing tags and user profiling. See Herz, column 4, lines 28-32. See Herz, column 4, lines 49-53. Jacobs further customizes the tagging within a cache. See Jacobs, column 2, lines 54-62. See Jacobs, column 1, line 63 – column 2, line 2. See Jacobs, column 2, lines 13-24.

Applicant argues that Herz in view of Jacobs fails to teach or suggest *providing at least one user group* or *determining at least one group interest for the user group*. Herz does disclose comparing the profiles of similar users. See Herz, column 6, line 42. If the profiles of similar users are compared, then a user group is provided. Comparing the profiles of similar users yields at least one group interest for the user group. See Herz, column 6, lines 38-43.

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Applicant argues that Jacobs does not teach relating tag information to a group interest, and placing data objects including the tag information of said group interest into a server cache if there is correspondence. Applicant has failed to look at the combination of Herz and Jacobs. Applicant is arguing items missing from each individual reference. The combination of Herz and Jacobs would yield tagging based on group profiling.

Applicant reiterates the argument that Herz and Jacobs cannot be combined because of lack of motivation within the references. The Examiner has already addressed the motivation to combine Herz and Jacobs in this Examiner's Answer.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Jeffrey R. Swearingen

Conferees:

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